

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Norma Gagne

v.

Civil No. 11-cv-29-SM

LRG Heathcare, Inc.

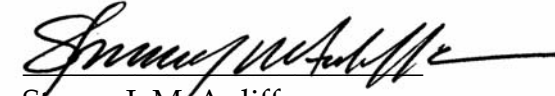
Re: Document No. 9, Motion to Dismiss

Ruling: The motion to dismiss appears to confuse grounds for dismissing asserted causes of action with grounds for granting evidentiary in limine motions, in that it seeks “dismiss[al] of the time barred acts of discrimination.” There is no need to dismiss “acts of discrimination,” and whether evidence of those acts is admissible at trial will be determined at trial. The motion also seems to seek “dismissal” of a claim for damages. What damages plaintiff may be entitled to recover is best determined as the evidence is developed and the undisputed facts become clear, or at trial. Plaintiff does not appear to base her liability claim on stale acts of alleged discrimination, and the complaint, taken as a whole, and as true for Fed. R. Civ. P. 12(b)(6) purposes, states a plausible claim of age discrimination, i.e., that the employer evinced a long-standing intent to end plaintiff’s employment because of her age, culminating in her discharge on allegedly pretextual

grounds. Motion denied.

So ordered.

May 18, 2011



Steven J. McAuliffe
Chief Judge

cc: David P. Slawsky, Esq.
Dawnangela A. Minton, Esq.
Andrea K. Johnstone, Esq.